

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q95047

Yukako FUKUHIRA, et al.

Appln. No.: 10/580,029

Group Art Unit: 1633

Confirmation No.: 7517

Examiner: Fereydoun Ghotb Sajjadi

Filed: May 19, 2006

For: TISSUE REGENERATION SUBSTRATE, COMPLEX THEREOF WITH CELLS, AND
METHOD FOR ITS PRODUCTION

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This responds to the Election of Species Requirement, dated November 14, 2008. The Examiner has identified the application as containing claims directed to more than one distinct species, and has required the Applicant to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted. The Examiner believes claims 1, 3, 4, 6 and 8-10 are generic. The Examiner has advised that a response to this requirement shall include an identification of the species that is elected and a listing of all claims readable thereon.

In response to the Examiner's requirement, Applicant elects polylactic acid for examination, on which claims 1, 3, 4, 6 and 8-10 are readable. This election is made without traverse. Applicant respectfully submits that if the elected species is found to be allowable, the Examiner should go on to examine non-elected species based on the provisions of MPEP 803.02.

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Applicant submits that if any of the elected claims is found to be allowable, claims dependent therefrom should similarly be considered allowable in the same application.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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Date: December 15, 2008